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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND
THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Note verbale dated 8 March 2000 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights

The Permanent Mission of the Republic of Cuba to the United Nations Office and other International Organizations with headquarters in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (secretariat of the Commission on Human Rights) and has the honour to refer to the report of Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences, on her visit to Cuba (document E/CN.4/2000/68/Add.2 of the fifty-sixth session of the Commission on Human Rights).

The Permanent Mission of the Republic of Cuba has pleasure in appending as an annex the Cuban Government's comments on the above-mentioned report *

The Mission has the honour to request, in accordance with its rights as a State Member of the United Nations, that its comments should be circulated in full, in the official languages of the Organization, as an official document of the fifty-sixth session of the Commission on Human Rights in conformity with item 12 (a) of the Commission's agenda, "Violence against women", under which the Special Rapporteur's report on her visit to Cuba is submitted.

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* The annex is reproduced as received, in the language of submission and in English only.

Annex

COMMENTS OF THE GOVERNMENT OF THE REPUBLIC OF CUBA ON THE REPORT ON THE VISIT TO CUBA BY Ms. RADHIKA COOMARASWAMY, SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS ON VIOLENCE AGAINST WOMEN (E/CN.4/2000/68/Add.2)

Contents

I. Who were the "actors" and how did they intervene in the manipulation of the Rapporteur's visit to Cuba, as from its preparatory stage?

II. Is it possible to accept the validity of an ideological approach to analysis which imposes a single model for the political system, the judicial system and the social organization of the 188 States Members of the United Nations?

III. Additional relevant information concerning the content of the report

Annex

Information concerning some of the women who have died or been permanently disabled as a result of the aggressive actions against the Cuban people perpetrated, directed, organized, financed or tolerated with impunity by the Government of the United States.

I. WHO WERE THE "ACTORS" AND HOW DID THEY INTERVENE IN THE MANIPULATION OF THE RAPPORTEUR'S VISIT TO CUBA, AS FROM ITS PREPARATORY STAGE?

In 1998, the Government of the Republic of Cuba sovereignly decided to extend invitations to visit the country to two of the thematic rapporteurs of the Commission on Human Rights. One of them was Ms. Radhika Coomaraswamy, Rapporteur on violence against women.

Cuba's invitations were prompted by its traditional policy of cooperation with the mechanisms established by the Commission relating to criteria of universality and non-discrimination, the Commission having categorically decided to reject the draft resolution submitted by the United States against Cuba as a further step in a policy motivated by the most petty political interests, which had continued for almost a decade.

For an objective assessment of the content and scope of the report submitted by Ms. Coomaraswamy on her visit to Cuba, it is necessary to speak of a number of circumstances and actors who influenced the preparatory process and the conduct of the visit and, above all, to unmask those who, without being invited, were behind the scenes manipulating the threads of the visit the whole time.

In 1999, the United States again imposed the submission and adoption of an anti-Cuba resolution during the fifty-sixth session of the Commission on Human Rights, exerting pressure on several countries under its political and economic control in Central and Eastern Europe, which were obliged to accept the official submission and negotiation of the anti-Cuban text devised by Washington.

Nevertheless, the adoption of an anti-Cuban resolution by the narrow margin of one vote, despite the strong political pressure exerted by the Government of the United States, sounded an alarm signal within the Inter-Agency Task Force which had been set up in the United States following the defeat of the anti-Cuban draft at the Commission's fifty-fourth session. This Task Force comprised not only the State Department and the Central Intelligence Agency (CIA), but also the National Security Council, following the impact of the 1998 defeat on United States domestic policy. The anti-Cuban mafia sectors in Miami and the ultra-right conservatives in the United States Congress blamed the State Department for the result, levelling accusations of negligence and incompetence in dealing with the question.

In the report prepared by the Task Force after the Commission's fifty-fifth session, attention was drawn to the difficulties involved in forcing the resolution through and, above all, to the risks and limitations of the adopted text with regard to the monitoring of the exercise in the future, following the failure of the United States attempt to include in the resolution a mechanism for monitoring the so-called human rights situation in Cuba.

In the first circulated versions of the draft resolution against Cuba, which the Czech Republic was negotiating on its behalf, the United States had included the idea of reimposing the designation of a special rapporteur on the so-called situation of human rights in Cuba. Nevertheless, they were forced to dispense with this element almost from the outset in order to be able to secure support for the draft, even from their main allies.

The failure to establish a mechanism to monitor the so-called Cuba case, through the designation of a bureaucrat with a personal interest in prolonging his functions by giving "colour" and "credibility" to the fulfilment of his mandate, forced the members of the United States Task Force on Cuba to submit alternative recommendations.

The Task Force recommended continuing to work to ensure that the Commission's thematic mechanisms provided full coverage of supposed cases of human rights violations in Cuba. To this end, use would be made of the channels established through international human rights NGOs and the counter-revolutionary organizations of Cuban origin in Miami, which would transmit numerous communications to the High Commissioner's Office.

It further recommended working to impede visits to Cuba by the Commission's thematic rapporteurs on mercenaries and on violence against women. Of special concern was the visit of the Special Rapporteur on mercenaries, bearing in mind that the results of his inquiries could draw the Commission's attention to unsavoury aspects of United States policy on Cuba. If the visits were finally to take place, they should serve to validate the main elements included in Commission resolution 1999/8 entitled "Human rights in Cuba".

Another of the recommendations made, fully linked to the objective of ruining the ninth Ibero-American Summit to be held in Havana in November 1999, was to finance a special report on alleged violations of human rights in Cuba, to be prepared by a "recognized" international NGO, which might provide support for United States political and diplomatic activity against Cuba. In fact, at a meeting held in New York in 1998 between a group of invited NGOs and the United States Mission to the United Nations, the representatives of the United States Government practically gave the NGOs present at the meeting a "dressing down" for having "disregarded" consideration of the "serious situation of human rights violations in Cuba".

Lastly, "fomenting" so-called "internal dissidence" in Cuba would continue, by increasing financing and promoting broad press coverage of its activities. It was expected that the holding of the Ibero-American Summit in Havana would be a unique opportunity to gain broad international recognition for an alleged "internal political opposition to the Castro regime".

It was not long before these recommendations were put into effect. The United States Interests Office in Havana was entrusted with the principal activities relating to the fomenting of "internal dissidence", including the handing-over of financing and material resources for counter-revolutionary activity.

Without the least shame and conformity with the standards of international law, Mr. Charles Shapiro, the new Head of the Cuba Bureau in the State Department, on his visit to Havana in August 1999, met at the residence of Mr. Michael Kozak, Chief of the United States Interests Office at that time, with the heads of the counter-revolution within the island, instructing them about the main actions they should take on the eve of and during the Ibero-American Summit, including the holding of a so-called "Parallel summit of dissident organizations within the island".

A key figure in all this "business" is Ms. Helena Nygren-Krup, a person who worked as Ms. Coomaraswamy's personal assistant in the High Commissioner's Office. The most interesting point is that, after inquiring about Ms. Nygren-Krup's present situation, we were informed in the Office that she had worked "on contract" in the Office but was no longer employed there.

Ms. Nygren-Krup participated in an interview in New York in January 1999 between Ms. Coomaraswamy and representatives of the Cuban national mechanism for Follow-Up of the Fourth World Conference on Women. On several occasions during the interview she broke in to raise doubts about the objectives and actual importance of the Rapporteur's visit to Cuba, asking impertinent questions about the reasons behind the invitation extended by the Cuban Government.

In addition, she took numerous actions to try to prevent Ms. Coomaraswamy's visit being made conditional upon the joint visit of other thematic rapporteurs of the Commission, in particular the Rapporteur on freedom of opinion and expression.

Ms. Nygren-Krup had been urging several officials of the High Commissioner's Office working in support of the thematic mechanisms in the area of civil and political rights to immediately promote requests for visits to Cuba by the thematic rapporteurs with whom they worked and to prepare critical contributions about human rights violations in Cuba in their respective areas of responsibility.

This recommendation was, moreover, included in a note submitted by her to her superiors in the Office, in which she concluded, in an entirely disrespectful and prejudiced manner, that "that would serve positively to stress to Cuba that the mechanisms cannot be manipulated and that there is coordination in the Office on the subject of Cuba".

Ms. Nygren-Krup's activities met with a "favourable reception". In March 1999, the assistant of the Special Rapporteur on freedom of opinion and expression informed the Government of Cuba of the Rapporteur's interest in arrangements being made for him to visit the country. If others did not do this, it was, as will be seen, because of the decision to stagger such requests to the Cuban Government.

We have referred only to information on a few instances of interference and manipulation by certain officials of the High Commissioner's Office, in breach of the objectivity and independence which must characterize the work of the Commission's thematic rapporteurs.

In a note also relating to this case, in response to Ms. Nygren-Krup's activities, she was told that the Cubans would have a soft option at a time when there were still serious problems in Cuba relating to arbitrary detention, freedom of expression, lack of political progress and lack of independence in the judiciary; the latter were the mechanisms which should go to Cuba, although three invitations at the same time would bother any Government. The secretariat would have to be more sophisticated and stagger the visits.

The same note added that the subject of a joint visit would be brought up at the annual meeting of special rapporteurs. However, the most interesting point in the note is the comment

that since the Working Group on Arbitrary Detention is independent, it would be for the Group itself to plan its own journeys. Implicit in this comment is apparently the idea that some officials of the High Commissioner's Office are interfering in the free determination of priorities for visits to countries by thematic rapporteurs.

Ms. Nygren-Krup, not yet satisfied with the results of her activities, wrote a new memorandum in which, with heavy irony, she referred to our country in the following terms: "Cuba, after years of non-cooperation, is now inviting two rapporteurs". With blatant disregard for minimum standards of professional ethics, she thus attempted, out of pure malevolence, to distort reality, with the clear objective of inducing erroneous decisions by her superiors.

Cuba is undoubtedly among the countries which are most scrupulously fulfilling their moral obligation to supply information to the Commission's various thematic procedures and in response to communications received under Economic and Social Council resolution 1503. Cuba is one of the few countries which invited and provided complete facilities for a group of five ambassadors of member countries of the Commission, each representing his regional group, to enable them to undertake a verification mission concerning the enjoyment of human rights in its territory. Cuba was also one of the first countries to invite a United Nations High Commissioner for Human Rights to visit it.

With egregious contempt for the decisions of the Commission itself, in the above-mentioned memorandum Ms. Nygren-Krup, as an argument in support of her proposals, included a reference to several recommendations on the mandate of the Special Rapporteur on human rights in Cuba, although she knew perfectly well that his mandate had been incontrovertibly discontinued by the Commission some months before. Ms. Nygren-Krup thus set herself above the Commission's own authority.

Even with knowledge of these events, and after an anti-Cuba resolution had been adopted by just one vote and as a result of political pressure at the Commission's fifty-fifth session, the Cuban Government decided to honour its earlier expressed intent to invite the Commission's Rapporteur on violence against women to visit the country.

The Cuban Government regrets that the first version of Ms. Coomaraswamy's report on her visit to Cuba was transmitted to it, in English, six months after the visit; this greatly reduced the time available to prepare comments on that report. This is even less understandable given the fact that, specifically for the purpose of the performance of this Rapporteur's mandate, the Office receives substantial sums of voluntary contributions from several European/Western countries to enable her, inter alia, to enjoy the services in her country of origin, of a qualified personal assistant from a developed Western country.

II. IS IT POSSIBLE TO ACCEPT THE VALIDITY OF AN IDEOLOGICAL APPROACH TO ANALYSIS WHICH IMPOSES A SINGLE MODEL FOR THE POLITICAL SYSTEM, THE JUDICIAL SYSTEM AND THE SOCIAL ORGANIZATION OF THE 188 STATES MEMBERS OF THE UNITED NATIONS?

At the World Conference on Human Rights in Vienna, it was possible to affirm the universality of all human rights only on the basis of recognition of diversity. At the Conference, stress was laid on the importance of particular national and regional features, and of the various historical, cultural and religious heritages.

Long before, when the two International Covenants on Human Rights were adopted in 1996, in article 1 of each Covenant the General Assembly reaffirmed its conviction that all peoples have the right of self-determination, by virtue of which they freely determine their political status and pursue their economic, social and cultural development. Differences have always been recognized and respected. The international human rights instruments take these differences into account in establishing the parameters for the election of members of the bodies set up to monitor their implementation.

In the case of the Convention on the Elimination of All Forms of Discrimination against Women, article 17 clearly establishes that, in the election of members of the Committee, due consideration shall be given to equitable geographical distribution and to the representation of the different forms of civilization, and also the principal legal systems. Obviously, diversity does not exclude the existence of universal standards, which the international community itself has agreed to recognize and respect. These standards emanate from the international human rights instruments adopted by the General Assembly of the United Nations.

Nevertheless, it would be unacceptable for officials in the performance of mandates of the Commission to arrogate to themselves the right to validate specific models or standards as the only acceptable ones and, on this basis, to classify anything different as inappropriate.

In the dialogue with Ms. Coomaraswamy, after the Cuban Government had gained access to the first version of her report, she asked for understanding of the conclusions which she expressed, claiming that the Commission and its mechanisms work within the context of the bourgeois liberal concept of human rights.

Could it be that Cuba was not present at the working meeting at which the Commission adopted the decision to impose universality of human rights on the basis of the bourgeois democratic-liberal concept? Are we to assume that the fifth of mankind living in socialist countries do not fully enjoy their civil and political rights?

Do we have to accept as valid the statements that, through living under a socialist system, Cuban citizens do not enjoy an independent judiciary, that they cannot join organizations independent of the Government since the existing local context bans such organizations, that Cuban women simply cannot have access to legally recognized organizations that campaign for their civil and political rights?

There are questions of which the Rapporteur is perhaps unaware through having given greater credit to Human Rights Watch's book on Cuba than to the copious information submitted to her by the highest Cuban authorities, who extended to her the fullest and sincerest attention and cooperation. For example, the Rapporteur would never find in the Human Rights Watch publication the irrefutable information that the Constitution in force in Cuba was adopted in a referendum, on the basis of universal suffrage and secret ballot. The draft text, which had been submitted for broad prior consultation on several occasions, was approved with the favourable vote of 98 per cent of all Cubans over 16 living in Cuba. How many countries in the world can boast of similar statistics?

Certainly, the experience of so-called representative democracy embodied in the bourgeois democratic-liberal concept of human rights is not unknown to the people of Cuba. During the first five decades of the twentieth century, the Cuban people based their hopes of well-being on Governments established on the basis of that democratic model. However, their hopes were dashed. The so-called bourgeois liberal democracy brought the Cuban nation to the verge of destruction, promoted the unequal distribution of wealth, permitted the spread of poverty and hunger in broad sectors of the population, encouraged corruption in successive Governments, permitted the growth of illiteracy and the spread of curable diseases, and placed the country's main sources of wealth in the hands of foreign, mainly United States, capital.

So-called representative democracy was in practice a tool of neo-colonial domination by the United States of the Cuban people. Given this fact, can the Cuban people happily accept the reference to the alleged superiority of the bourgeois democratic-liberal concept of human rights?

Can anyone deny the true nature of the socialist revolution in Cuba which gave real meaning to the idea of human rights and enabled its people to enjoy them more fully? Previously the bulk of the Cuban population had been unable even to read the words human rights.

A people that suffered in its very vitals the consequences of the bourgeois democratic-liberal concept of human rights is sufficiently aware to take a responsible decision regarding the political system it wants to adopt in the exercise of its right to self-determination. It was the Cuban people themselves who opted overwhelmingly for the socialist political system based on the principles of popular participation, equitable distribution of wealth and social justice.

Nor can these matters be explained in a Human Rights Watch book on Cuba, financed by those who for years on end exercised almost complete control over the wealth of our country and never retreated from their desire for imperialist domination over our island.

The Government of Cuba completely rejects what is stated in paragraphs 9, 14, 66, 67, 79, 95 and 104 since it reflects false information fabricated by malicious sources or based on fundamentalist ideological attitudes seeking to have the bourgeois democratic-liberal concept of human rights acquire universal status, at complete variance with the consensus reached at the Vienna World Conference.

It is unacceptable for the Rapporteur to endorse the allegations of other "sources" without first checking their truthfulness in an objective manner.

Paragraph 9 of the report draws attention to Commission resolution 1999/8 entitled "Human rights in Cuba" without indicating the circumstances in which it was adopted and the fact that it constitutes one of the most blatant examples of manipulation of the Commission in the geopolitical domination interests of one Power against a people of the third world.

In paragraph 14, the Rapporteur summarizes the various accusations concerning alleged violations of the civil and political rights of Cuban women. She refers to a so-called vulnerable group of women in Cuba consisting of those whose political views are not acceptable to the Government, emphasizes the alleged refusal of the Government to accept independent political and civil organizations, mentions allegations of arbitrary detentions as a result of political or journalistic activism, and concludes that alleged practices of arbitrary detention remain one of the most serious violations of human rights with regard to cases involving violence against women. This paragraph refers to various points that are taken up and elaborated upon in subsequent paragraphs, on which we will comment when we come to each one.

In paragraph 66, the Rapporteur reverts to the question of the alleged impossibility of exercising without hindrance the rights to freedom of expression and association in Cuba. This paragraph contains no arguments or case studies that can be refuted, but simply presents an erroneous value judgement. Comment in these circumstances is difficult.

Cuba enjoys the broadest freedoms, means and guarantees for the exercise of all civil and political rights. The only real restriction on the enjoyment of these rights is the sanctions imposed by a foreign Power, namely, the United States, in its attempt to subvert the constitutional and political order chosen by the Cuban people in the exercise of their right to self-determination.

The reference to alleged arbitrary arrests in Cuba, which appears once again in paragraph 67, is also unsubstantiated. The period that elapses between arrest, formal accusation and sentencing in Cuba is less than the average in the developing countries, and particularly in the countries of its geographical area.

All the communications containing allegations of arbitrary arrest received by the Government of Cuba through the Commission's Working Group on the subject have been answered promptly. However, many of the cases in question concerned persons serving a court sentence after having been tried for acts characterized as offences before they were committed. Unfortunately, what the Rapporteur is doing here is questioning the constitutional and legal order chosen by the Cuban people, this is incompatible with her mandate.

The Cuban people, in the exercise of its right to self-determination, feels limited only by the obligations assumed by the Cuban State in the development of its international relations. Cuba would never allow anyone to question the right of its people to institutionalize the State's powers in the way it considers to be the most democratic and participative, guaranteeing social justice for all in the most effective manner.

No one can convince Cuba that its political, judicial and legislative system is less democratic and participative. What model is to be followed? Perhaps an attempt is being made

to convince us that the model independent judiciary with all its defects and imperfections is that of countries like the United States. In Cuba, due process is guaranteed for all, regardless of personal wealth, race or national or ethnic origin.

As for the alleged limitation of the independence of Cuba's judiciary, the Rapporteur was unable to present even one example in support of her serious allegation. Cuba's courts, in the performance of their functions, are subject to no limitations other than the most scrupulous respect for and compliance with the law.

Admittedly, the Cuban Constitution fails to provide for the separation of the three branches of government promoted by the bourgeois democratic-liberal concept, which is quite logical and justified. There are not three branches in Cuba but only one, namely, that reflecting the will of the people, the will of the workers, peasants and intellectuals.

We are fully aware of the advantages and disadvantages of the so-called separation of powers advocated by the bourgeois revolutions; although this separation was revolutionary in its time, in essence it continues to guarantee the protection of the rights of a minority class.

What would the indigenous peoples of the United States, or the Afro-Americans, think of the "advantages" of the so-called "independence" of the judiciary sought through the three-way separation of powers in the bourgeois democratic-liberal model?

We know of no international human rights instrument adopted by the United Nations that makes it compulsory to institutionalize the State on the basis of the bourgeois democratic-liberal concept of the separation of powers, or of any evidence of its superiority.

The opinions expressed by the Rapporteur in paragraphs 14 and 79 that the legal framework relating to freedom of association and its implementation bars the legalization of any genuinely independent organization are erroneous and unacceptable.

The legitimate control exercised in Cuba, as in all other parts of the world, to ensure that all organizations which are set up function as part of the established legal and constitutional order constitutes, for the Rapporteur, excessive interference in the activities of Cuban NGOs.

Perhaps the Rapporteur is unaware that Economic and Social Council resolution 1996/31, which creates the legal framework for the consultative relationship between NGOs and the functional Commissions, including the Commission on Human Rights, requires the NGOs concerned to respect the purposes and principles of the Charter of the United Nations. How can the Rapporteur hope that Cuba will shirk its responsibility to make NGOs respect the country's Constitution?

Perhaps the Rapporteur was not aware that many of the NGOs which exist and function freely in Cuba were established before the triumph of the Revolution in 1959 and well before the Associations Act (No. 54) and its regulations entered into force?

There is a difference between ensuring respect for a country's legal and constitutional order and interfering in the activities and policies of an NGO. This difference is known to and fully respected by the Cuban Government.

The overwhelming majority of NGOs in Cuba are self-financed, have democratic structures (the members of which are elected from time to time), and take decisions concerning their policies and programmes of work without any kind of interference or prodding on the part of the Government. This has been recognized by various bodies in the United Nations system.

How can the Rapporteur say that there are no organizations genuinely independent of the Government in Cuba? Perhaps she is not aware that 10 Cuban national NGOs were granted consultative status, with all that that implies, by the Committee on Non-Governmental Organizations and the Economic and Social Council itself?

Unfortunately, it appears that in this case the Rapporteur has also been confused by the propaganda campaign organized by the United States and the Cuban mafia in Miami.

Perhaps the Rapporteur was unaware that the so-called organizations of alleged "human rights defenders in Cuba", on which it is desired to confer the title of "independent" lawyers for the civil and political rights of the Cuban people, were created and organized - and are being directed and financed - by the Government of the United States.

Her assistants failed to inform her that, according to information published by the United States Government, in the first eight months of 1999 alone the International Development Agency openly channelled US$ 6,111,000 into these supposedly "independent organizations" so that they could engage in activities designed to subvert the Cuban constitutional order and promote the internationalization of the blockade against its people. Can the betrayal of one's own people and collaboration with a foreign Power attempting to enslave it be accepted in this world of ours as prerequisites for independence?

What is most interesting is that these "concerns" of the Rapporteur about the democratic nature of the socialist political system, and the Cuban constitutional and legal order in particular, were not discussed during her stay in the country. How can one talk of due process if the Rapporteur failed to present to the competent Cuban authorities what were apparently her personal convictions about the absence of civil and political freedoms in Cuba? Why did the Rapporteur refrain from presenting her views concerning restrictions on the civil and political rights of Cuban women in her talks with the Minister of Justice, the Attorney-General of the Republic, Cuban non-governmental organizations in consultative status with the Economic and Social Council, the Minister for Foreign Affairs and the President of the Councils of State and Council of Ministers?

For all the above reasons, the Government of Cuba regards the recommendations contained in paragraphs 95 and 104 of the Rapporteur's report as unacceptable and does not feel obliged to comply with them.

III. ADDITIONAL RELEVANT INFORMATION CONCERNING THE CONTENT OF THE REPORT

The Cuban Government wishes to draw the Rapporteur's attention to the "Action to obtain compensation for human suffering from the Government of the United States", brought by eight Cuban social and students' organizations, including the Cuban Women's Federation, in the Provincial Court of the City of Havana. This action was published in full in the Cuban press on 1 June 1999, a few days before the Rapporteur's visit to Cuba, and covers a large number of cases falling within the Rapporteur's mandate.

Unfortunately, the Rapporteur failed to mention this action in her report or the proceedings which initiated it, despite the fact that it received extensive international coverage, including on the Internet.

The 3,478 Cubans who died and the 2,099 who were permanently disabled as a result of the aggressive policy of the United States against the Cuban people during the past few decades included women, both older women and girls. A list of some of the most serious violations of the human rights of Cuban women, including the right to life, for which the responsibility of the United States Government was substantiated, is given in the annex to this report.

Although the Rapporteur recognizes that Cuban women have made unquestionable progress under the Revolution, she does not seem to have realized that these achievements have been possible only as a result of the commitment and participation of various agencies of the State. Although the leadership and awareness-raising activities of organizations such as the Cuba Women's Federation were of undeniable importance, the objective of gender equality is a priority for all institutions of the Cuban State, as is clear from the attention paid to the Rapporteur by the country's highest authorities.

In some cases it would appear that the Rapporteur condemns a certain "passivity" on the part of Cuban government agencies in their task of protecting women against all forms of violence and in particular, the self-satisfaction generated by the unwarranted idea that "everything is fine". But by whom are policies and programmes for women formulated if not by government agencies? Is the Rapporteur not aware that the national machinery for following up the Fourth World Conference on Women is presided over by the Cuba Women's Federation, which was itself created by a decree of the Council of State, that State agencies are required to comply with its decisions, and that their compliance is evaluated from time to time at the highest levels of the State?

The Cuban Government would draw attention to the fact that on several occasions in her report the Rapporteur does not base her recommendations on facts, uses hypothetical assumptions of a speculative nature, and advocates transferring the experience of other countries to Cuba without demonstrating that it is either necessary or effective. A case in point is where the Rapporteur practically attempts to impose the establishment of "shelters" for battered women, and also special legislation and a special programme to deal with sexual harassment or domestic violence, without demonstrating that these practices are widespread in Cuba or acknowledging that machinery already exists to deal with them.

Some of the points covered by the report, such as the alleged restrictions on freedom of movement based on the policy of controlling migration to Havana, were similarly not raised by the Rapporteur with the Cuban authorities. We could have provided a detailed explanation of this policy for controlling migration to the capital, but the Rapporteur automatically decided to endorse the views of an "external" source without even asking us for our reasons and the criteria used.

In other cases, subjectivity has more serious consequences when it is based on erroneous and malicious information provided by "sources" in Miami. This is true of the analysis made in paragraph 43.

The Cuban Government also draws the Rapporteur's attention to the fact that the figures presented in the report on the number of women victims of violence, those infected with HIV/AIDS and those who have committed suicide, do not tally with data supplied by the Cuban authorities.

Unfortunately the Government of Cuba cannot, automatically act on the Rapporteur's recommendation that the Commission's rapporteurs who have expressed a desire to visit the country should be invited to do so, and this for several reasons:

1. These requests are not based on substantiated allegations of human rights violations in the specific areas of interest of the various rapporteurs; they are basically the result of the manipulation of certain officials in the Office of the High Commissioner, reflecting ideological intolerance, or even worse, in some cases, collusion with various agencies of the United States Government.

2. The present circumstances, characterized by political and selective manipulation by the United States in connection with the Commission's consideration of the so-called human rights situation in Cuba would not appear to be conducive to dialogue and objective cooperation.

3. The Government of Cuba defends its sovereign right to decide, in consultation with the various mechanisms of the Commission, which rapporteurs of the Commission it should invite to visit the country, in the light of the genuine interest of promoting the exercise of human rights by its people, and not on the basis of priorities imposed in the interest of the anti-Cuban campaign promoted by the United States.

The Rapporteur, fully in line with the successive resolutions adopted by the General Assembly which have condemned by overwhelming majorities the blockade imposed by the United States on Cuba, also calls upon the Government of the United States to lift the blockade.

Yet it must be said that the detailed explanations and statistics presented to the Rapporteur concerning the impact of the blockade on the exercise of human rights by Cuban women are reflected in the report in a way that does not reveal the extent of its implications or the fact that it constitutes the most serious and generalized form of violence against Cuban women.

The Rapporteur fails to refer to the arguments that were presented to her concerning the differences between an embargo and a blockade and why, in the case of Cuba, we call it a blockade.

In paragraph 18, the Rapporteur should also have referred to the statistics on violence against women submitted to her during her visits to Calixto García hospital, Villa Clara hospital, and the central offices of the Ministry of Justice and the People's Supreme Court.

The Rapporteur's analysis of prostitution in Cuba is contradictory. She used sources that were poorly informed and of doubtful credibility to arrive at erroneous conclusions. If it were true that prostitution in Cuba was explained essentially by "the temptation to earn hard currency" as a means of improving the level of personal and family consumption, the logical conclusion would be that millions of girls and women throughout the world who live in conditions of absolute poverty are all potential prostitutes, which is not the case. Moral, social and family considerations are of prime importance.

Every person in Cuba can fill a substantial part of the basic family shopping basket with goods at subsidized prices. Education and health care are completely free. Eighty per cent of the population own the dwelling in which they live and rents account for an insignificant proportion of income. In other words, no one needs to turn to prostitution as a means of livelihood.

It would appear that the Rapporteur was unable to appreciate the true worth of the work being done in connection with prostitution in Cuba, namely, prevention through social education and reintegration in society of women and girls who have engaged in this practice. The measures taken to deal with prostitutes, providing that they had not been involved in the commission of an offence, are not of a punitive nature. Punishment for procuring, however, is severe.

The Cuban Government has not found in the Rapporteur's report any reference to her experience in interviewing individually, and on the initiative of the Cuban Government, rehabilitated prostitutes and victims of family violence.

Paragraph 49 seems to reflect a misunderstanding or mistranslation into English of what was stated by the Chief of the National Revolutionary Police. He did not refer to the existence of "casas de cita" in Pinar del Río, but rather to the possibility that individuals rent their houses, which are used by prostitutes to meet their clients, generally not in accordance with an established pattern.

As for the question of women working in rehabilitation centres for prostitutes, and those serving prison sentences, it should again be emphasized that they are not obliged, much less forced, to work. Working is an option and a right which is offered to such women, enabling them to engage in a fully remunerated activity, and thereby supplement their personal income and that of their families.

The horrendous picture painted by the Rapporteur of the living conditions of women in rehabilitation centres for prostitutes is a far cry from reality. The women and girls in such centres wear normal clothes, keep their personal belongings and are offered possibilities of engaging in various activities as they see fit.

The Cuban Government will, when it obtains the necessary details, provide information concerning the cases mentioned so vaguely in paragraphs 63 and 64. For the moment, the following points should be emphasized:

(a) The right to due process and defense counsel is guaranteed in Cuba, where an officially-appointed lawyer is assigned to persons who cannot afford to pay for the services of a lawyer of their choice;

(b) Cuba makes full provision for the consular protection of foreign citizens who have been detained, and the Mission of the United Kingdom in Havana regularly provides such protection in an effective manner;

(c) As acknowledged by the Rapporteur, minors in Cuban prisons are by law kept separate from adults.

Since the Rapporteur's report was transmitted to the Cuban Government in English only and owing to the vagueness about the identity of the female prisoners referred to, the competent Cuban authorities are not yet in a position to respond to the allegations made in paragraphs 63 and 64.

The Cuban Government regards the comment made in paragraph 70 to the effect that "as a result of the food shortage, women often are the last in the family to eat or do not eat at all" as completely inappropriate. It suggests the existence of a sexist and discriminatory pattern in the distribution of consumer items within the family, and nothing is further from the truth. Not only women, but also men, when they are heads of households, together with their wives are the last to eat so as to ensure that there is more available for their sons and daughters.

The Government of the Republic of Cuba reserves its right to present additional information concerning the report on the visit to Cuba by the Special Rapporteur of the Commission on Human Rights on violence against women.

ANNEX

LIST OF SOME OF THE WOMEN, INCLUDING OLDER WOMEN AND GIRLS, KILLED OR DISABLED AS A RESULT OF THE AGGRESSIVE POLICY OF THE GOVERNMENT OF THE UNITED STATES AGAINST CUBA

The cases mentioned below were included in the "Action to obtain compensation for human suffering from the Government of the United States" brought in the provincial court of the City of Havana by eight social and students' organizations, including the Cuban Women's Federation. Each case was substantiated on the basis of evidence and testimony in public proceedings of the provincial court, at hearings which were broadcast from beginning to end by Cuban television.

Victims of the activities of counter-revolutionary bands organized, financed, equipped and directed by the United States Central Intelligence Agency

Ana Romero Rojas: Murdered at the Finca San Juan de Altamira in Sancti Spíritus.

María Luisa Pereira: Murdered with her husband in the Trinidad area.

Elcida Padrón: Traumatized psychologically and emotionally after being forced to witness the torture and murder of her father when barely six years of age.

Victims of the Bay of Pigs invasion organized and directed by the Government of the United States

Nemesia Rodríguez Montano: Has experienced constant sleep disorders after being forced to witness, as a girl, her entire family being riddled with bullets.

Patricia Silva Trujillo: Was subjected to barbarous torture and forced to swallow unspecified medicaments. Is still under psychiatric treatment as a result of her traumatic experience.

María Ortiz, Dulce María Martín, Juliana Montano and Cira María García: These four women, who lived in the area of the invasion, were machine-gunned by United States aircraft when in their homes.

Paula Guerrero, Nereyda Gómez, Histolida Angulo and Evangelista Rodríguez: Died as a result of the invasion.

Victims of piratical attacks and sabotage

Nancy Pavón Pavón: Wounded in the right foot by a piece of shrapnel in the village of Boca de Somá in Banes (Holguín). Her right foot had to be amputated and the use of her left foot was seriously impaired.

Fe del Valle Ramos: Died when the "El Encanto" shop was burned down in an act of sabotage.

Pilar Ramírez Vega: An attempt was made on her life, a letter bomb exploded in her hands when she was working at the Cuban Embassy in Peru. Her right arm and four fingers of her right hand were fractured, one of her breasts was torn off, her left eye was injured, and she suffered injuries and burns on her thorax and cuts on the abdomen and left thigh.

Adriana Corcho Callejas: Died when an explosive charge went off in the Cuban Embassy in Portugal.

María E. Rodríguez del Rey, Miriam Remedios de la Peña, Marlene González Arias, Moraima Gonzáles Prieto, Silva Marta Pereira Jorge, Magalys Grave de Peralta, Nancy Uranga Romagoza, Virgen María Felizola García, Inés Luaces Sánchez, Julia Torres Alvarez, Sonia Coto Rodríguez and Milagros Peláez: These 12 women, some of whom were very young, died as a result of the sabotage of the Cubana de Aviación civil aircraft in 1976.

Rosario Denis, Josefa C. Portéllez, María Ortega and Ana María Hernández: These four women were also victims of piratical attacks and sabotage.

Victims of biological aggression

Ernestina Lara: This girl of 12 died of haemorrhagic dengue fever, which was deliberately introduced into the country as part of the biological warfare waged against Cuba.

Yamilé Isla: 4 years of age, died of the same cause.

Cintya Marrero: 3 years of age, died of the same cause.

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